

April 9, 2021

By ECF

The Honorable Sidney H. Stein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

RE: Plaintiffs' and Defendants' joint letter regarding motion to intervene in *State of New York, et al. v. Department of Labor, et al.*, No. 21 Civ. 536 (SHS).

Dear Judge Stein,

I write on behalf of all parties in the above-captioned case. Pursuant to this Court's February 9, 2021 Order, the case is currently stayed until May 10, 2021. ECF No. 26. On March 29, 2021, twelve non-party states (the "Proposed Defendant-Intervenors") filed a motion to intervene in this case as defendants. ECF Nos. 35, 36. As this case was and is currently stayed, Defendants, for the avoidance of doubt, filed a letter motion with the Court on April 1, 2021 to clarify the deadline for their response to the Proposed Defendant-Intervenors' motion. ECF No. 41 (the "April 1 Letter Motion"). Plaintiffs joined the request for clarification. *Id.* Specifically, the parties requested that the deadline to respond to the motion be set for fourteen days after the stay of this case ends. *Id.*

Absent a stay, Local Civil Rule 6.1(b) would require the parties to respond to the motion to intervene 14 days after service, or by Monday, April 12, 2021. Therefore, should the Court deny the April 1 Letter Motion, the parties request that the deadline for their response be set for fourteen days after the Court rules on the April 1 Letter Motion. The parties have conferred with the Proposed Defendant-Intervenors, who take no position on the parties' request.

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

By: /s/ Fiona Kaye
Fiona J. Kaye, Assistant Attorney General
Amanda Meyer, Assistant Attorney General
Daniela L. Nogueira, Assistant Attorney General
Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005
Phone: (212) 416-8036
fiona.kaye@ag.ny.gov

April 9, 2021
So proposed by
Sidney Stein
U.S. S.J.

Attorneys for Plaintiffs

AUDREY STRAUSS
United States Attorney

By: /s/ Jennifer Jude
Jennifer Jude
Assistant United States Attorney
(212) 637-2663
jennifer.jude@usdoj.gov

Attorney for Defendants